

## Mehta, Sandeep

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**From:** Mehta, Sandeep  
**Sent:** Monday, August 27, 2018 11:30 AM  
**To:** 'Scott.Heemstra@diamondvogel.com'; Hylton Jackson  
**Cc:** KDelange@geotekeng.com; ESmith@ramboll.com  
**Subject:** RE: Vogel Maurice Site  
**Attachments:** 2018-08-24 Response re In-Person Meeting.pdf

Mr. Scott:

Thank you for your response. I have attached the EPA explanation and response below for your consideration.

1. The EPA is willing to provide draft comments via email for discussion purposes only. The final formal comments will then have to be submitted by the EPA after the conclusion of the meeting and the discussions planned during the meeting. Please note that these discussions could then impact the draft comments, which may need to be modified resulting from the discussions during the meeting, and would then be submitted as final comments in a formal letter. The exchange and discussions would also cause time/schedule impacts to the work that Vogel intends to implement to meet the last Five-Year Review (FYR) report recommendations.
2. The documents that have been submitted qualify as modifications to the current remedy and therefore would be either called as "Technical Modifications" or such. The original Record of Decision (ROD) and the subsequent Explanation of Significant Differences (ESD) have already had documents issued as "Remedial Action Work Plan". If Vogel would change the remedy from the ROD and the multiple ESDs that are currently in effect, in accordance with the CERCLA requirements, an ESD would be required prior to issuing the "Remedial Action Work Plan". Please let me know if we need to discuss this on the phone further or we need to exchange emails further to elaborate. My supervisor and counsel would have the same recommendation on this path forward.
3. The EPA appreciates Vogel's efforts and supports the work done by Vogel so far to meet the requirements of the ROD, ESD, and the various cleanup activities for the site contamination. My work, representing the EPA, has been so far to help Vogel (which I mentioned during the face-to-face meeting at the site and various emails) get moving forward, meet the requirements from the last FYR, and perform cleanup actions to meet the various decision documents, leading up to delisting. The delisting is part of the Superfund Task Force recommendations as you mention in your email dated 8/24/2018. I have attached the requirements for NPL de-listing process in the link provided in this email. I have also provided a brief synopsis of the NPL de-listing process. The process is detailed in Chapter 5 of the document provided via link in this email. My supervisors and counsel would guide me and encourage Vogel to implement cleanup activities according to the ROD and ESDs, and move the site in the cleanup process to meet the requirements of the NPL de-listing process. As it currently stands, the Vogel site would not meet the process requirements. Therefore, my supervisor and counsel would identify those same requirements, and support Vogel's interest in expediting cleanup activities at the site to meet those de-listing requirements. <https://semspub.epa.gov/work/HQ/176076.pdf>
4. The in-person meeting would involve technical discussions relative to the technical aspects of cleanup work that Vogel intends to implement going forward. These actions would enable meet the recommendations from the various decision documents, and the FYR. Based on the preliminary cursory schedule plan provided in the document, the contaminated groundwater plume results would take approximately two years to meet the stable conditions. In addition, the EPA is also on-board and excited to move the groundwater cleanup activities at the site to stabilize the contaminated plume, and ensure

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the groundwater release poses no significant threat to the public health or environment. This would be what my supervisor and counsel would advise.

5. Vogel's documents were received via email dated 8/13/2018. Barring unforeseen circumstances, the EPA intends to complete our review and anticipates our draft comments by third week of September 2018. The EPA will advise, as we get closer, about the availability of dates for the meeting and personnel, along with some information on discussion agenda points.

The EPA appreciates Vogel's interest to continue cleanup activities at the site for the groundwater plume, and move forward to stabilize the contamination in the groundwater.

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**FOR INFORMATIONAL PURPOSES ONLY:**

"NCP says about NPL deletion:

(e) *Deletion from the NPL.* Releases may be deleted from or recategorized on the NPL where no further response is appropriate.

(1) EPA shall consult with the state on proposed deletions from the NPL prior to developing the notice of intent to delete. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria has been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate."

Respectfully

Sandeep Mehta, P.E.

Ph: (913) 551-7763

Email: Mehta.sandeep@epa.gov



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**From:** Scott.Heemstra@diamondvogel.com [mailto:Scott.Heemstra@diamondvogel.com]

**Sent:** Friday, August 24, 2018 1:20 PM

**To:** Mehta, Sandeep <mehta.sandeep@epa.gov>; Hylton Jackson <hylton.jackson@dnr.iowa.gov>

**Cc:** KDelange@geotekeng.com; ESmith@ramboll.com

**Subject:** RE: Vogel Maurice Site

Sandeep,

Please see the enclosed response.

Regards,

Scott Heemstra

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**From:** Mehta, Sandeep <[mehta.sandeep@epa.gov](mailto:mehta.sandeep@epa.gov)>

**Sent:** Monday, August 20, 2018 9:14 AM

**To:** Scott Heemstra <[Scott.Heemstra@diamondvogel.com](mailto:Scott.Heemstra@diamondvogel.com)>; Hylton Jackson <[hylton.jackson@dnr.iowa.gov](mailto:hylton.jackson@dnr.iowa.gov)>

**Cc:** [KDelange@geotekeng.com](mailto:KDelange@geotekeng.com); [ESmith@ramboll.com](mailto:ESmith@ramboll.com)

**Subject:** RE: Vogel Maurice Site

Mr. Scott:

Hello. Thank you for providing the submittals timely. The EPA appreciates maintaining the schedule, and that also allows the EPA to support Vogel's plans and schedules.

In reading the letter, I am trying to determine the needs of the meeting and Vogel's requests in the letter.

1. The meeting request from the EPA was to share and exchange thoughts (Vogel can clarify during the call) after the review of documents, but prior to formally sending the EPA comments through IDNR (as IDNR is the lead agency). The exchange of thoughts and ideas would then be technical. In that respect, what would be the role of the supervisors and legal counsel during this meeting?
2. What does Vogel intend to achieve with the request for the presence of Supervisors from the EPA?
3. The meeting does not have the need for the physical presence of Vogel in the EPA's offices. The EPA would be agreeable and in fact prefer to have the phone conference. What are Vogel's thoughts on the phone conference? This would enable save some mutual costs and time.
4. The other alternative is to not have the phone conference. The EPA would then formally document the EPA comments and provide them, in coordination with IDNR, via a letter, if that is preferred. What are Vogel's thoughts and preferences?

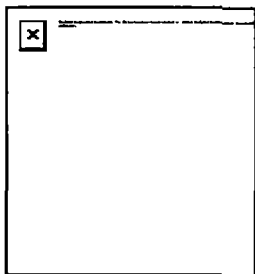
Once Vogel's input is received to the above questions, IDNR, Vogel, and the EPA can determine the intended outcome. Subsequently, the EPA, in coordination with the IDNR, can provide multiple date options for a mutually convenient meeting. Please let us know your thoughts to the above.

Respectfully

Sandeep Mehta, P.E.

Ph: (913) 551-7763

Email: [Mehta.sandeep@epa.gov](mailto:Mehta.sandeep@epa.gov)



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**From:** [Scott.Heemstra@diamondvogel.com](mailto:Scott.Heemstra@diamondvogel.com) [<mailto:Scott.Heemstra@diamondvogel.com>]

**Sent:** Sunday, August 19, 2018 7:04 PM

**To:** Mehta, Sandeep <[mehta.sandeep@epa.gov](mailto:mehta.sandeep@epa.gov)>; Hylton Jackson <[hylton.jackson@dnr.iowa.gov](mailto:hylton.jackson@dnr.iowa.gov)>

**Cc:** [KDelange@geotekeng.com](mailto:KDelange@geotekeng.com); [ESmith@ramboll.com](mailto:ESmith@ramboll.com)

**Subject:** RE: Vogel Maurice Site

Sandeep,

Thank you for your response. I just wanted to confirm that you received the cover letter and attachments A-D. It sounds like you have received them, so I will await your response for potential meeting dates.

Regards,  
Scott

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**From:** Mehta, Sandeep [<mailto:mehta.sandeep@epa.gov>]  
**Sent:** Friday, August 17, 2018 8:20 AM  
**To:** Scott Heemstra <[Scott.Heemstra@diamondvogel.com](mailto:Scott.Heemstra@diamondvogel.com)>; Hylton Jackson <[hylton.jackson@dnr.iowa.gov](mailto:hylton.jackson@dnr.iowa.gov)>  
**Cc:** KDelange@geotekeng.com; ESmith@ramboll.com  
**Subject:** RE: Vogel Maurice Site

Mr. Scott:

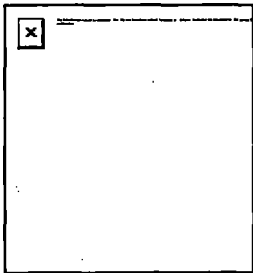
Hello. I received your voicemails dated 8/15/2018 and 8/16/2018. My apologies for late response, but was on travel.

I have received your email dated 8/13/2018 requesting receipt of some previous email that you may have sent. However, I don't think I have received that email you reference.

I received your email dated August 13, 2018 with a cover letter and Attachments A, B, C, D.

So, I would appreciate if you could re-send the email with the documents.

Respectfully  
Sandeep Mehta, P.E.  
Ph: (913) 551-7763  
Email: [Mehta.sandeep@epa.gov](mailto:Mehta.sandeep@epa.gov)



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**From:** Scott.Heemstra@diamondvogel.com [<mailto:Scott.Heemstra@diamondvogel.com>]  
**Sent:** Monday, August 13, 2018 4:27 PM  
**To:** Mehta, Sandeep <[mehta.sandeep@epa.gov](mailto:mehta.sandeep@epa.gov)>; Hylton Jackson <[hylton.jackson@dnr.iowa.gov](mailto:hylton.jackson@dnr.iowa.gov)>  
**Cc:** KDelange@geotekeng.com; ESmith@ramboll.com  
**Subject:** Vogel Maurice Site

Sandeep & Hylton,  
Please see the enclosed.

Regards,  
Scott

**Scott Heemstra**  
Director of Manufacturing/Engineering  
Diamond Vogel  
o: (712) 737-4993



1020 Albany Place SE  
PO Box 80  
Orange City, IA 51041  
Phone: 712.737.4993

Email: [scott.heemstra@vogelpaint.com](mailto:scott.heemstra@vogelpaint.com)

**VIA EMAIL:**

August 24, 2018

Mr. Sandeep Mehta, P.E.  
Remedial Project Manager  
EPA Region 7  
11201 Renner Blvd.  
Lenexa, KS 66219  
[sandeep.mehta@epa.gov](mailto:sandeep.mehta@epa.gov)

**RE: Comprehensive Work Plan/Remedial Action Work Plan; Northern Groundwater Evaluation Plan; and Metals Technical Memo for Vogel Paint & Wax Company, Incorporated's NPL Site**

Dear Mr. Mehta:

I write in response to your email dated August 20, 2018 regarding Vogel Paint & Wax Company, Incorporated's ("Vogel") Maurice, Iowa NPL Site ("Site"). Please see Vogel's responses to your questions outlined below.

1. **Question:** The meeting request from the EPA was to share and exchange thoughts (Vogel can clarify during the call) after the review of documents, but prior to formally sending the EPA comments through IDNR (as IDNR is the lead agency). The exchange of thoughts and ideas would then be technical. In that respect, what would be the role of the supervisors and legal counsel during this meeting?

**Response:** The purpose of the meeting is twofold:

- 1) To present the plans to EPA and IDNR, to discuss any questions or comments EPA and IDNR have, and to confirm next steps. I was planning on requesting EPA's and IDNR's questions in advance of the meeting so we could be prepared to discuss them.
- 2) To confirm Vogel's Remedial Action Work Plan gets the Site to closure. Your Supervisors and legal counsel would have a role in this discussion. (Please see response to Question 2 for more details.)

2. **Question:** What does Vogel intend to achieve with the request for the presence of Supervisors from the EPA?

**Response:** Vogel would like the opportunity to discuss the Site's deletion from the NPL list with EPA and IDNR. Moving NPL sites to deletion is one of EPA's goals under its Superfund Task Force Recommendations. Under the "Expediting Cleanup and Remediation" goal, EPA developed "Recommendation 2," which directs EPA to develop strategies for NPL sites where remedies have been selected to move sites towards NPL

deletion. Among other things, EPA is to "review and revise the NPL deletion policy to maximize statutory flexibility" to meet Recommendation 2.

Vogel has spent millions of dollars over the past thirty years to bring the Site to closure. Indeed, to date, an estimated 143,000 gallons of product have been removed or remediated from the various soil and groundwater remediation activities conducted on the Site. The comprehensive Remedial Action Work Plan submitted to EPA and IDNR will get the Site to closure, and as such, the Site should be eligible for NPL deletion. Vogel would like the opportunity to discuss this with your Supervisors with its consultants and legal counsel present.

3. **Question:** The meeting does not have the need for the physical presence of Vogel in the EPA's offices. The EPA would be agreeable and in fact prefer to have the phone conference. What are Vogel's thoughts on the phone conference? This would enable save some mutual costs and time.

**Response:** Vogel would still like the opportunity to meet with EPA and IDNR in person. Please let us know if the dates proposed (August 29, September 11, September 12, or September 13) work for EPA and IDNR. If not, we can propose alternative dates.

4. **Question:** The other alternative is to not have the phone conference. The EPA would then formally document the EPA comments and provide them, in coordination with IDNR, via a letter, if that is preferred. What are Vogel's thoughts and preferences?

**Response:** As discussed above, Vogel requests in-person meeting at EPA's office.

We look forward to seeing you again in person and discussing Vogel's continued commitment to getting its NPL Site to closure.

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If you have any questions, please contact me at [Scott.Heemstra@diamondvogel.com](mailto:Scott.Heemstra@diamondvogel.com).

Regards,



Scott Heemstra

cc: Hylton Jackson, IDNR  
Keith DeLange, GeoTek  
Eric Smith, Ramboll